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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/770,716	02/03/2004	Kwong Heng Kwok	PA030006	2288

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EXAMINER

JONES, HEATHER RAE

ART UNIT	PAPER NUMBER
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2621

MAIL DATE	DELIVERY MODE
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05/13/2008

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No. 10/770,716	Applicant(s) KWOK ET AL.	
	Examiner HEATHER R. JONES	Art Unit 2621	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 27 March 2008.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1,3,5 and 6 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1,3,5 and 6 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 04 February 2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Continued Examination Under 37 CFR 1.114

1. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on March 27, 2008 has been entered.

Response to Arguments

2. Applicant's arguments filed March 27, 2008 have been fully considered but they are not persuasive.

The Applicant argues that Takimoto fails to disclose automatically starting a further recording when the detecting means detects a change in the media as well as suppressing automatically starting a further recording when the detecting means does not detect a change in the video standard because Takimoto discloses that 10 tracks are required to record an NTSC video signal frame and that it would be apparent to a person skill in the art that the video standard does not change 10 times within 1/30 second and therefore new tracks are recorded in the disclosure of Takimoto when the video standard does not change. The Examiner respectfully disagrees. In the Takimoto reference the term "track" is different from the term "track" in the Applicant's disclosure because they are

recording on different mediums. The term "track" as disclosed in the Takimoto reference refers to the components that are recorded to compose an entire frame of video (for example 10 tracks are required to record an NTSC video signal frame) whereas in the Applicant's specification the term "track" is used to describe the entire recording of a program. Furthermore, Takimoto discloses the claimed limitations by Takimoto disclosing in Fig. 1, col. 3, lines 35-67 that an input signal is sent to a recording process circuit (32) for subjecting the video signal digitized by the A/D converter to predetermine processing such as time-base processing confirming to a track format. The information is then sent back to the CPU as well onto other components, but the CPU takes that information and sends it to the subcode generating circuit which creates the subcode to be added to the recording in order to distinguish which format the video signal is in. Therefore, when a different format is inputted to the recorder it will be processed and the CPU will alert the recorder and the subcode generating circuit which format it needs to be recording in. Otherwise when a new format is not detected the recorder will continue recording the tracks with the same subcode it was previously using. Therefore, Takimoto meets the claim limitations and the rejection is maintained.

Claim Rejections - 35 USC § 102

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

4. Claims 1, 3, 5, and 6 are rejected under 35 U.S.C. 102(b) as being anticipated by Takimoto (U.S. Patent 5,966,496).

Regarding claim **1**, Takimoto discloses a video recorder comprising: a source of a digital stream representing a video signal in one of a plurality of video standards; means for recording the digital stream on a medium as a recording among a plurality of recordings (col. 11, lines 61-63); means for recording an indicator of the video standard for the recording (col. 12, lines 8-11); means for detecting the video standard of the video signal thereby generating the indicator (Fig. 1; col. 3, lines 64-67); wherein the recording means automatically starts a further recording when the detecting means detects a change in the video standard and suppresses starting automatically a further recording when the detecting means does not detect a change in the video standard (Fig. 3; col. 3, lines 35-67 – displays that every track has a subcode that identifies the track's video standard, which means that one track cannot have more than one kind of video standard recorded in it. Therefore, when the video standard changes the tracks will contain a different subcode, otherwise it will continue to use the same subcode.).

Regarding claim **3**, Takimoto discloses a process for recording a digital stream on a medium as a recording among a plurality of recordings, the digital stream representing a video signal in one of a plurality of video standards, with

the steps of: detecting the video standard of the video signal (Fig. 1; col. 3, lines 64-67); recording an indicator of the video standard for the recording (col. 12, lines 8-11); suppressing recording the digital stream as a further recording if no change in the video standard of the video signal is detecting; detecting a change in the video standard of the video signal (the CPU detects the video standard); and recording the digital stream as a further recording (Fig. 3; col. 3, lines 35-67 – displays every track has a subcode that identifies the track's video standard, which means that one track cannot have more than one kind of video standard recorded in it. Therefore, when the video standard changes the tracks will contain a different subcode, otherwise it will continue to use the same subcode.).

Regarding claim 5, Takimoto discloses a process for recording a digital stream on a medium, the digital stream representing a video signal in one of a plurality of video standards, with the steps of: recording the digital stream as a first recording (col. 11, lines 61-63); suppressing recording automatically the digital stream as a second recording if no change from a first video standard to a second video standard is detected; detecting a change from the first video standard to the second video standard (the CPU detects the video standard); recording the digital stream as a second recording (Fig. 3; col. 3, lines 35-67 – displays every track has a subcode that identifies the track's video standard, which means that one track cannot have more than one kind of video standard recorded in it. Therefore, when the video standard changes the tracks will contain a different subcode, otherwise it will continue to use the same subcode.).

Regarding claim **6**, Takimoto discloses all the limitations as previously discussed with respect to claim 5 including the step of: recording an indicator of the second video standard for the second recording (Fig. 3; col. 12, lines 8-11 and 18-22 – displays every track has a subcode that identifies the track's video standard).

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to HEATHER R. JONES whose telephone number is (571)272-7368. The examiner can normally be reached on Mon. - Thurs.: 7:00 am - 4:30 pm, and every other Fri.: 7:00 am - 3:30 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John Miller can be reached on 571-272-7353. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a

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USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/John W. Miller/
Supervisory Patent Examiner, Art Unit 2623

Heather R Jones
Examiner
Art Unit 2621

HRJ
May 8, 2008